

**Committee Request for Board Action: None**

**36 attendees by teleconference, representing 19 member agencies.**

**Report from BACWA Board-Regional Water Board joint [meeting](#) on June 4**

- COVID-19 Response: Regional Water Board noted that they are planning procedures for re-starting inspections and asked for feedback. Agency representatives responded that they could accommodate inspections but would like advanced notice to make sure procedures are in place to accommodate visitors on site.
- Other business not on the agenda: RWB staff would like some information on what agencies are doing (if anything) to plan for climate change and sea level rise. The request is not intended to be as extensive as a 13267 Order; they would just like to get an understanding of on-going efforts. It was agreed that BACWA Board will discuss and report back with a proposed approach/level of effort for collecting this type of information.
- Other topics from the meeting are covered in items below

**Toxicity Provisions Update**

- The State Water Board recently provided a preliminary 3-page [document](#) with a summary of anticipated revisions to the toxicity provisions. There are many issues of interest to dischargers; highlights noted below.
  - Allow data from within 10 years (as opposed to 5 years) to be used to determine the most sensitive species
  - The requirement to include effluent limitations without first demonstrating reasonable potential was adjusted so that the requirement applies only to POTWs >5MGD and that have a pretreatment program.
  - Regional Water Boards to consider scheduling constraints when setting the start of the “calendar month” and allow dischargers additional time to initiate MMEL compliance tests if the test does not meet test acceptability criteria or if the test was not completed due to circumstances outside of the discharger’s control.
- The State Water Board is expected to release the full revised provisions on July 7, with a comment period through August 24. Adoption is expected December 2020. The schedule is preliminary. A meeting with the State Water Board, Regional Water Boards, and the Summit Partners will be scheduled to discuss the anticipated changes and release of the revised provisions.

**Chlorine Residual Basin Plan Amendment**

- The Regional Water Board held a CEQA Scoping [Meeting](#) on 5/22, the first step towards adoption of a Basin Plan (BP) Amendment. A draft Staff Report is expected in July, followed by a public comment period, and a planned adoption at the Regional Water Board November meeting.
- The proposed Basin Plan chlorine objectives are based on EPA criteria (0.013 mg/L) as 1-hr average; permit limits to be based on the objective and include full dilution. Current 0.0 mg/L instantaneous maximum limit will be removed from BP. The RWB proposed an RL of 0.05 mg/L be included in the BP, whereas the POTW community feels that 0.1 mg/L is more realistic. BACWA is working to provide supporting documentation for a higher ML.

**Nutrients**

- Nutrient Discharge Reduction Studies:** Response to HDR RFI on Recycled Water and Natural Systems studies is due June 19, but extensions can be granted if agencies are experiencing challenges due to COVID-19.
- Regulatory vision for the third Nutrient Watershed Permit:** The Regional Water Board has recently provided BACWA with a 4-page document outlining a regulatory vision for the third Nutrient Watershed Permit. The document was discussed at the June 4 BACWA-RWB meeting and again at the Permits meeting. Highlights from the discussion are noted below. BACWA ED and Board will continue discussions with the RWB staff and reports back to the group.
- The vision lays out a sustained monitoring and modeling program, as well as load caps (mentioned in the second permit’s fact sheet) implemented using antidegradation as a rationale.
  - It also would require regional planning for further nutrient load reductions (with possible trading within subembayments), and corrective action plans by individual agencies, should the science indicate the Bay is impaired by nutrients in the future.
  - Regional Water Board staff noted that they would hope the science questions around what constitutes impairment will be answered in the current permit term. Staff indicated that, if circumstances warrant (like delays around COVID-19), it is possible to extend the term of the current permit in order to complete the science studies.

**Exfiltration – Updates on Baykeeper’s Notice on Intent to sue Mountain View and Sunnyvale**

- The group discussed the recent notices of intent (NOIs) to sue from SF Baykeeper to the cities of Mountain View and Sunnyvale. No updates from the affected cities; response is still in negotiations. A study to evaluate exfiltration in Region 9 (San Diego) is underway; more information is needed before pursuing something similar in the Bay Area. BACWA will monitor Region 9 developments on this issue and provide updates as needed.

**Upcoming Permits**

**June:** Treasure Island, no issues noted  
Novato Sanitary District, no issues noted  
**July:** Las Gallinas Valley Sanitary District, no issues noted

**CECs****PFAS**

- Sampling at POTWs: 13267 Orders requiring PFAS monitoring at POTWs >1MGD expected June/July. Anticipated requirements: one year of quarterly influent, effluent, and biosolids monitoring to begin the last quarter of 2020. BACWA is working with the Regional Water Board on an alternative approach for the Bay Area (through the RMP).
- New [Environmental Screening Levels](#) (ESLs) for PFAS were recently proposed by the SF Regional Water Board.

**CEC monitoring at POTWs – review White Paper**

- Group discussed draft BACWA White Paper that lays out approach for monitoring CECs at Bay Area POTWs. Comments were discussed and a final version will be presented to the BACWA Board. The White Paper will also be shared with the Regional Water Board and may inform the anticipated PFAS monitoring study.

**Microplastics:** DDW has proposed a [definition](#) of microplastics in drinking water that is expected to be adopted at the June 16 SWRCB [meeting](#). Comments/ response to comments (including by CASA and SFEI) are available [here](#).

**Committee Leadership transition**

Mary Lou Esparza (Central San) and Jennie Pang (SFPUC) are the committee chair and vice-chair, respectively, for FY20/21. Attendees thanked Samantha Engelage (Palo Alto), in absentia, for her leadership this current FY. This was Leah Walker's (Petaluma) final Permits Committee meeting before retirement and also Robert Wilson's final meeting (currently with Petaluma) before moving into a new position with the City of Santa Rosa.

**Announcements**

- a. Revised ELAP Regulations adopted 5/6; anticipated effective date October 2020, with 3-year implementation period. ELAP staff presented at the BACWA Lab Committee meeting. More information available in the Lab Committee Board Report and meeting minutes.
- b. This was Leah Walker's (Petaluma) final Permits Committee meeting before retirement and also Robert Wilson's final meeting (currently with Petaluma) before moving into a new position with the City of Santa Rosa.
- c. BACWA member news section in Bulletin – contact Alina

**Next BACWA Permits Committee Meeting:** August 11, 2020.